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FILED
DISTRICT COURT OF GUAM

FEB 13 2008

JEANNE G. QUINATA
Clerk of Court

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21 Attorneys for Defendant, Cross-Claimant and
22 Counterclaimant S.J. GARGRAVE SYNDICATE 2724
23 9ZP513W

24 **IN THE DISTRICT COURT OF GUAM**

25 **TERRITORY OF GUAM**

26 UNITED STATES OF AMERICA,

27 Plaintiff,

28 and

INCHCAPE SHIPPING SERVICES GUAM,
LLC,

Plaintiff in Intervention,

vs.

MARWAN SHIPPING & TRADING CO.,
FIVE SEAS SHIPPING CO., LLC, and S.J.
GARGRAVE SYNDICATE 2724,
in personam,

Defendants.

Case No.: 1:06-CV-00011

**SUPPLEMENTAL DECLARATION
OF THOMAS M. TARPLEY TO
CORRECT PREVIOUS
DECLARATION**

Complaint Date: April 19, 2006
Trial Date: May 12, 2008

ORIGINAL


1 AND CROSS-CLAIMS, COUNTERCLAIM,
2 AND CLAIM IN INTERVENTION
3
4

5 I, Thomas M. Tarpley, Jr., submit this supplemental declaration and state as follows:

6 I have been informed by Mr. Thomas C. Sterling, attorney for Navigators
7 Insurance Company, that while his office was served with a copy of the Amended Third-Party
8 Complaint on November 30, 2007, his office has no record of being served with a summons.
9 Upon double-checking my file in this case I find that we have a copy of the Amended Third-Party
10 Complaint stamped received by Mr. Sterling's office, but no stamped received summons. The
11 lack of a stamped received copy of a summons in our file and the statements to me by Mr.
12 Sterling create a reasonable doubt as to whether the summons was actually served on Mr.
13 Sterling's office. The statement in my previous declaration in support of the request for entry of
14 default that a summons was served upon Mr. Sterling on November 30, 2007 was apparently
15 mistaken and the record should be corrected in that regard.

16 I hereby declare under penalty of perjury that the foregoing statements are true except for
17 statements of opinion, which I believe to be true.

18 Dated this 13th day of February, 2008.
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21 
22 THOMAS McKEE TARPLEY
23 Attorney for Defendant, Cross-Claimant
24 and Counterclaimant S. J. GARGRAVE
25 SYNDICATE 2724
26
27
28

CERTIFICATE OF SERVICE

I, Dorothea Quichocho, hereby certify pursuant to Rule 5(d) Fed. R. Civ. P. that on February 13, 2008, I caused to be served a true and correct copy of the **SUPPLEMENTAL DECLARATION OF THOMAS M. TARPLEY TO CORRECT PREVIOUS DECLARATION**, to the following:

Mike W. Schwab, Esq.
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R. Michael Underhill
Attorney in Charge, West Coast Office
MIMI MOON
Trial Attorney
Torts Branch, Civil Division
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[Courtesy copy]

Attorneys for Plaintiff and Counterdefendant United States of America

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[Courtesy copy]

*Attorneys for Defendants and Cross-Defendants Marwan Shipping & Trading Co.;
Five Seas Shipping Co., LLC; and Al-Buhaira National Insurance Company*

Thomas C. Sterling, Esq.
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7 *Attorneys for Third Party Defendant Inchcape Shipping Services Guam LLC*

8 Dated this 13th day of February, 2008.

9 
10 DOROTHEA QUICHOCHO